

ZOAM-2008-0002
CHILD CARE HOME AND CHILD CARE CENTERS
IN RURAL HAMLETS

MEMORANDUM

Staff Responses to Issues or Requests From January 15, 2009
Planning Commission Public Hearing

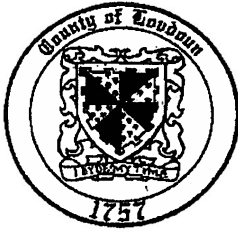
February 12, 2009

1. Pursuant to direction from the Planning Commission, staff mailed notices regarding this proposed Zoning Ordinance Amendment to the HOA's of all the existing Rural Hamlets that staff could identify. The names and addresses were obtained from LOGIS (County Office of Mapping & Geographic Information website) and on-line Tax Assessment records. A sample of the notice letter and the list of HOA's and their addresses are attached to this memo as Attachments A & B. The initial notices were mailed January 21, 2009. As of February 5, 7 notice letters had been returned as undeliverable. For 2 of those HOA's, staff mailed, on February 3, 2009, additional notices to the Registered Agent addresses listed with the State Corporation Commission. On February 5, 2009, staff mailed additional notices to the Registered Agent addresses listed with the SCC for the other 5 HOA's.
2. At the Public Hearing, staff understood Commissioners Chaloux and Austin to be inquiring whether, instead of amending the Zoning Ordinance, Hamlet lot owners who wanted to have a "child care home" could apply for a Special Exception per §5-702(L) of the Rural Hamlet regulations to modify the Hamlet Ordinance use regulations for their specific lots. However, after studying the ordinance and researching the matter, staff concludes that §5-702(L)(2) does NOT authorize the Board of Supervisors to allow modification of the Rural Hamlet provisions of the ordinance via SPEX. Instead, it authorizes the Board to allow a modification of "other applicable regulations" (i.e., the underlying, general zoning district regulations) via SPEX. Also, staff found a zoning determination from April 24, 2000, (Attachment C) finding as follows: "... Section 5702(L)(2), Modification of Regulations, is not intended to permit modifications of the specific requirements including the maximum lot size requirement. This section clearly states that, "other applicable regulations" may be modified, and therefore precludes any modification to the hamlet regulations themselves."

Attachment A – Sample Notice letter

Attachment B – List of HOA's and addresses

Attachment C – April 24, 2000 Zoning Determination



Department of Planning
1 Harrison Street, S.E., 3rd Floor, MSC#62, P.O. Box 7000, Leesburg, VA 20177-7000
Telephone (703) 777-0246 • Fax (703) 777-0441 • E-mail: loudounpc@loudoun.gov

LOUDOUN COUNTY PLANNING COMMISSION

Peggy Maio
Chairman, Blue Ridge
Sandra Chaloux
Dulles

Robert J. Klancher
Vice-Chairman, Broad Run
Gigi Robinson
Leesburg

Christeen F. Tolle
At Large

Helena Syska
Sterling

Erin Austin
Catoclin

Michael Keeney
Sugarland Run

January 21, 2009

Re: ZOAM 2008-0002, Proposed Zoning Ordinance Amendment to Permit Child Care Homes and Child Care Centers in Rural Hamlets

To Rural Hamlet Homeowners Association:

Your Homeowners Association (HOA) is listed in the current real estate tax books of Loudoun County as the owner of a parcel or parcels located in a Rural Hamlet subdivision. The Loudoun County Planning Commission is considering proposed amendments to Section 5-702, 2-106, and 2-206 of the Revised 1993 Loudoun County Zoning Ordinance (the "Ordinance") to add "Child Care Home" as a Permitted Use on Hamlet and Conservancy Lots in Rural Hamlets, to add "Child Care Center" as a Special Exception Use on Commonly Owned Open Space parcels in Rural Hamlets, to clarify that "requirements" for Rural Hamlets includes "uses", and to provide that pre-existing Rural Hamlets shall be subject to the uses as set forth in the amended Ordinance.

The Planning Commission held a public hearing on this matter, pursuant to public notice published in the newspaper as required by law, on January 15, 2009. At the public hearing the Planning Commission moved to continue the consideration of the proposed amendments to a Work Session for further discussion and directed that the HOA's of the several existing Rural Hamlets on the list submitted at the public hearing be notified of the proposed change and invited to submit comments.

The Planning Commission Work Session is scheduled for **February 12, 2009, at 6:00 p.m. in the Purcellville Room, County Government Center, 1st Floor, 1 Harrison Street, S.E., Leesburg, VA.**

Written comments may be submitted to the Planning Commission c/o Department of Planning, County Government Center, 3rd Floor, 1 Harrison Street, S.E., Leesburg, VA 22075 or via e-mail to loudounpc@loudoun.gov. The Work Session will be open to the public but is not intended to serve as a public hearing. Oral comments or questions from the public may be permitted at the Work Session with permission of the Planning Commission Chairman.

The Board of Supervisors will schedule a public hearing after the Planning Commission has forwarded a recommendation on the proposed Zoning Ordinance amendment. In addition to providing the Commission with comments, you are also encouraged to participate in the Board of Supervisors Public Hearing.

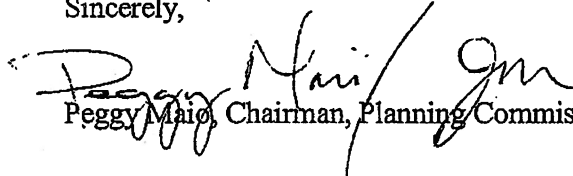
ATTACHMENT A

A-1.

Questions regarding the amendments may be directed to Ronald J. Brown, Deputy County Attorney, at ron.brown@loudoun.gov, or Mark Stultz, Deputy Zoning Administrator, at mark.stultz@loudoun.gov. Please call 703-777-0246 with questions regarding Planning Commission procedure. To view the proposed amendments and related documents, contact the Loudoun County Building and Development Department at 703-777-0397 or see the Staff Report and attachments at:

<http://www.loudoun.gov/Default.aspx?tabid=327&fnpath=/Planning%20Commission/PC%20Public%20Hearing%20Staff%20Reports>.

Sincerely,


Peggy Maio, Chairman, Planning Commission

**Beacon Hill Community Association
P.O. Box 1341
Exmore, Virginia 23350-1341**

**Big Springs Farm Community Association,
Inc.
P.O. Box 9206
McLean, Virginia 22102-0206**

**Big Spring Owners Association
c/o Andrews Community Investment
P.O. Box 660
Hamilton, Virginia 20159-0660**

**Birch Hollow Commons Association
Rt 1 Box 235
Purcellville, Virginia 20132-2721**

**Catoctin Ridge Homeowners Association
c/o Daniel T. Gammon
P.O. Box 2163
Leesburg, Virginia 20177-7547**

**Chalk Farms Commons Association
38287 John Wolford Road
Purcellville, Virginia 20132-3706**

**Churchill Downs HOA
43247 Evans Pond Road
Leesburg, Virginia 20176**

**Estates at Creighton Farm HOA
2000 PGA Blvd, Suite 2202
North Palm Beach, Florida 33408-2713**

**Evergreen Hamlet HOA
4090 Lafayette Center Drive, Suite A
Chantilly, Virginia 20151-1244**

**Goose Creek Community Association, Inc.
9426 Stewartown Road, Suite 3B
Montgomery Village, Maryland 20879-1601**

**Long Meadow Conservancy
c/o TWC Association Management
Attention: Julie Kleiss
12110 Sunset Hills Road, Suite 60
Reston, Virginia 20190**

**Moorelands Homeowners Association, Inc.
Rasberry Falls Hamlets
5252 Lyngate Court
Burke, Virginia 22015-1688**

**Mount Gilead Conservancy Inc.
Rt 2 Box 117
Leesburg, Virginia 20175-6846**

**Hamlets at Oak Knoll Farms HOA
c/o Interactive Builders
17341 Pickwick Drive, #C-D
Purcellville, Virginia 20132-3145**

ATTACHMENT B

B-1

Proximity Cohousing
41370 Common House Lane
Lovettsville, Virginia 20180-2431

Red Cedar West HOA
12021 Sunset Hills Road, Suite 200
Reston, Virginia 20190-5895

Red Hill Manor HOA
P.O. Box 710567
Oak Hill, Virginia 20171-0567

Reserve at Rokeby Farm
Property Owners Association
14121 Parke Long Court, Suite 201
Chantilly, Virginia 20151-1647

Rivers Edge Community Association, Inc.
903 Dominion Ridge Terrace
Herndon, Virginia 20170-3027

Selma Estates HOA
3925 Old Lee Highway
Fairfax, Virginia 22030-2426

Stonebrook Village HOA
6905 Rockledge Drive, Suite 800
Bethesda, Maryland 20817-1873

Saratoga Homeowners Association
219 Loudoun Street, SE
Leesburg, Virginia 20175-3115

Taylorstown Meadows Community Association
c/o Gary C. Hill, Manager
7700 Brickyard Road
Potomac, Maryland 20854

Telegraph Springs Farm Homeowners Association
P.O. Box 73
Lincoln, Virginia 20160-0073

Waterfield Commons Association
144 Green Street
Medfield, MA 02052-1907

Woodmar Farm Conservancy
c/o Arcadia Building Company
P.O. Box 1150
Purcellville, Virginia 20134-1150

Telegraph Springs Farm Homeowners Association
P.O. Box 115
Lincoln, Virginia 20160-0073

Red Hill Manor HOA
22597 Redhill Manor Court
Leesburg, Virginia 20175

**Red Hill Manor HOA
c/o Wael Alkhairo, Registered Agent
46165 Westlake Drive, Suite 230-A
Potomac Falls, Virginia 20165**



Loudoun County, Virginia

Department of Building and Development

1st Harrison Street, S. E., Leesburg, VA 20177-7000

Administration: 703/777-0397 Metro: 478-8432 Fax: 703/771-5522

April 24, 2000

Paul S. Kellinger
Hunzeker & Lyon, P.C.
6862 Elm Street, Suite 220
McLean, VA 22101

SUBJECT: RURAL HAMLET REQUIREMENTS
TAXMAP#: 61/15 MCPI#: 153-35-5865

Dear Mr. Kellinger,

I apologize for the delay to your request. This letter is in response to your inquiry regarding the rural hamlet regulations of the 1993 Loudoun County Zoning Ordinance, and the potential for modifying the maximum hamlet lot size to meet the development objectives for the subject property.

After reviewing your letter and the Rural Hamlet Option regulations, I find that Section 5-702(L)(2), Modification of Regulations, is not intended to permit modifications of the specific requirements including the maximum lot size requirement. This section clearly states that, "other applicable regulations" may be modified, and therefore precludes any modification to the hamlet regulations themselves.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the Zoning Ordinance may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the Code of Virginia.

I trust this information will serve your needs. If you have any further questions, please contact me at 777-0397.

ATTACHMENT C

C-1

I would be happy to explore other development options with you. As you may already know, -the County is currently updating the comprehensive plan and the zoning ordinance and is also reviewing alternative development options for the rural areas as part of this process. If you would be interested in becoming involved, please contact the Planning Department for the schedule of meetings and workshops at 703-777-0246.

Regards,

A handwritten signature in black ink, appearing to read "Holly Tompkins". The signature is fluid and cursive, with the first name "Holly" being more prominent than the last name "Tompkins".

Holly Tompkins
Rural Planner, Zoning Administration

cc: James Burton, Mercer District
Melinda M. Artman, Zoning Administrator
Mark O. Stultz, Asst. Zoning Administrator